

**To:** Bailey, Rhonda[Bailey.Rhonda@epa.gov]  
**From:** HALIM-CHESTNUT, NAIMA  
**Sent:** Fri 10/17/2014 8:49:27 PM  
**Subject:** Fwd: IMPORTANT: Request to Destroy Volume 1  
[image001.gif](#)

Naima Halim-Chestnut, MAOM  
Acting Human Resources Officer  
US EPA Region 4  
Atlanta, GA  
Phone: 404-562-9220

Begin forwarded message:

**From:** "Wooden-Aguilar, Helena" <[Wooden-Aguilar.Helena@epa.gov](mailto:Wooden-Aguilar.Helena@epa.gov)>  
**Date:** October 17, 2014 at 4:27:30 PM EDT  
**To:** "Lapierre, Kenneth" <[Lapierre.Kenneth@epa.gov](mailto:Lapierre.Kenneth@epa.gov)>, "McTeerToney, Heather" <[McTeerToney.Heather@epa.gov](mailto:McTeerToney.Heather@epa.gov)>, "HALIM-CHESTNUT, NAIMA" <[Halim-Chestnut.Naima@epa.gov](mailto:Halim-Chestnut.Naima@epa.gov)>  
**Cc:** "Wooden-Aguilar, Helena" <[Wooden-Aguilar.Helena@epa.gov](mailto:Wooden-Aguilar.Helena@epa.gov)>, "Golightly-Howell, Velveta" <[Golightly-Howell.Velveta@epa.gov](mailto:Golightly-Howell.Velveta@epa.gov)>  
**Subject: IMPORTANT: Request to Destroy Volume 1**

Happy Friday Everyone,

On or about September 3, 2014, you received an email containing a copy of a Title VI complaint and its exhibits from Earthjustice filed on behalf of North Carolina Environmental Justice Network, Rural Empowerment Association for Community Help, and Waterkeeper Alliance. The complaint pertained to the permitting of swine farms in North Carolina. The Office of Civil Rights has been notified that certain documents were inadvertently included in that email and Earthjustice would like EPA to destroy all copies of Volume 1's exhibits.

To ensure that EPA adheres to this request, OCR is asking that you complete two tasks:

- 1) OCR requests that you destroy your copy of Volume 1. Also, please forward this email to any other parties to whom you may have forwarded the original email and its attached documents (and who may not be included in this email).
- 2) We also request that you send an email Ericka Farrell to confirm that you have destroyed Volume 1. If you would like a copy of the correct Volume 1 or have any questions, please contact Ericka Farrell, who is cc'd on this email.

Given the seriousness of this inadvertent inclusion, we will need to confirm that everyone who received Volume 1 had properly disposed the documents. Thus, please be sure to send us this confirmation and thank you for your immediate attention to this matter.

Best,

Helena Wooden-Aguilar

**From:** Alok Disa [<mailto:adisa@earthjustice.org>]

**Sent:** Friday, September 05, 2014 12:34 PM

**To:** McCarthy, Gina; Title VI Complaints

**Cc:** Jocelyn D'Ambrosio; Marianne Engelman Lado;

**Ex. 6 - Personal Privacy**

**Ex. 6 - Personal Privacy**

Wooden-Aguilar, Helena; Tejada, Matthew; HALIM-CHESTNUT, NAIMA; '[Daria.Neal@usdoj.gov](mailto:Daria.Neal@usdoj.gov)'; '[tom.reeder@ncdenr.gov](mailto:tom.reeder@ncdenr.gov)'; '[christine.lawson@ncdenr.gov](mailto:christine.lawson@ncdenr.gov)'

**Subject:** RECALL: Exhibits to 09 03 14 DENR Complaint: Exhibits 1 - 26

**Importance:** High

Dear Administrator McCarthy, Ms. Golightly-Howell, Ms. Wooden-Aguilar, Mr. Tejada, Ms. McTeer Toney, Ms. Halim-Chestnut, Ms. Neal, Mr. Reeder, and Ms. Lawson:

I am writing to recall Volume 1 of the exhibits supporting the Title VI Complaint (Exhibits 1-26) that we sent to your attention on Wednesday, September 3, 2014, and to provide a revised version of Volume 1 of the exhibits. The September 3<sup>rd</sup> version of Volume 1 of the exhibits inadvertently included a map as an attachment to Exhibit 5, the Declaration of Anonymous 1. The revised Volume 1 of the exhibits removes the inadvertently included map.

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For Administrator McCarthy and Ms. GoLightly-Howell, who received hard copies of Exhibit 1, please destroy the map that accompanied Exhibit 5 and confirm its destruction by replying to this email.

Thank you,

Alok Disa, on behalf of Marianne Engelman Lado and Jocelyn D'Ambrosio

**From:** Alok Disa

**Sent:** Wednesday, September 03, 2014 7:51 PM

**To:** 'McCarthy.gina@Epa.gov'; 'Title VI Complaints@ena.gov'

**Cc:** Jocelyn D'Ambrosio; Marianne Engelman Lado;

**Ex. 6 - Personal Privacy**

**Ex. 6 - Personal Privacy**

'wooden-aguilar.helena@epa.gov'; 'tejada.matthew@epa.gov'; 'halim-chestnut.naima@epa.gov'; 'Daria.Neal@usdoj.gov'; 'tom.reeder@ncdenr.gov'; 'christine.lawson@ncdenr.gov'

**Subject:** Exhibits to 09 03 14 DENR Complaint: Exhibits 1 – 26

Dear Administrator McCarthy and Ms. Golightly-Howell,

Attached please find Exhibits 1-26, which represent the first set of Exhibits to the Complaint submitted earlier today by Earthjustice on behalf of North Carolina Environmental Justice Network, Rural Empowerment Association for Community Help, and Waterkeeper Alliance, Inc. We apologize for forwarding these exhibits in batches and are forwarding hard copy versions by overnight mail for your convenience.

Please feel free to let us know if these materials raise any question or if you have trouble downloading them.

Sincerely,

Alok Disa, on behalf of Marianne Engelman Lado and Jocelyn D'Ambrosio

---

Alok Disa

Litigation Assistant

Earthjustice Northeast Office

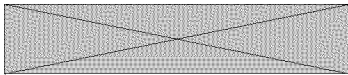
48 Wall Street, 19th Floor

New York, NY 10005

T: 212-845-7386 (direct)

F: 212-918-1556

[earthjustice.org](http://earthjustice.org)



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*delete the message and any attachments.*

Message

---

**From:** HALIM-CHESTNUT, NAIMA [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=34F609B04A134DB6AFC5FA13BF3C938B-HALIM-CHESTNUT, NAIMA]  
**Sent:** 10/3/2014 3:29:26 PM  
**To:** Bailey, Rhonda [Bailey.Rhonda@epa.gov]  
**Subject:** RE: Urgent request - please confirm destruction of sensitive document

Done thanks.

Naima Halim-Chestnut, MAOM  
Human Resources Officer, Acting  
Human Capital Management Branch  
U.S. Environmental Protection Agency, Region 4  
61 Forsyth Street SW  
Atlanta, GA 30303  
Office: 404-562-9220

**Ex. 6 - Personal Privacy**

Email: [halim-chestnut.naima@epa.gov](mailto:halim-chestnut.naima@epa.gov)

---

**From:** Bailey, Rhonda  
**Sent:** Friday, October 03, 2014 11:19 AM  
**To:** HALIM-CHESTNUT, NAIMA  
**Subject:** FW: Urgent request - please confirm destruction of sensitive document

Naima

See below. Just a friendly reminder to respond to Ms. Disa. Thanks. Rhonda

---

**From:** Alok Disa [<mailto:adisa@earthjustice.org>]  
**Sent:** Friday, October 03, 2014 11:06 AM  
**To:** Bailey, Rhonda  
**Subject:** RE: Urgent request - please confirm destruction of sensitive document

Hello Rhonda,

Just following up per the message below. Do you have access to Ms. Halim-Chestnut's emails? If so, are you able to confirm destruction of the document in question?

Thanks,  
Alok

---

**From:** HALIM-CHESTNUT, NAIMA [<mailto:Halim-Chestnut.Naima@epa.gov>]  
**Sent:** Tuesday, September 30, 2014 4:47 PM  
**To:** Alok Disa  
**Cc:** Bailey, Rhonda  
**Subject:** RE: Urgent request - please confirm destruction of sensitive document

I am referring this email to Rhonda Bailey who is Acting in the Office of Civil Rights.

Naima Halim-Chestnut, MAOM  
Human Resources Officer, Acting  
Human Capital Management Branch  
U.S. Environmental Protection Agency, Region 4  
61 Forsyth Street SW  
Atlanta, GA 30303  
Office: 404-562-9220

**Ex. 6 - Personal Privacy**

Email: [halim-chestnut.naima@epa.gov](mailto:halim-chestnut.naima@epa.gov)

---

**From:** Alok Disa [<mailto:adisa@earthjustice.org>]  
**Sent:** Tuesday, September 30, 2014 1:01 PM  
**To:** HALIM-CHESTNUT, NAIMA  
**Subject:** Urgent request - please confirm destruction of sensitive document  
**Importance:** High

Dear Ms. Halim-Chestnut,

I'm writing to follow up on my previous attempts to recall a document that was inadvertently included as an exhibit to a Title VI Complaint filed with EPA on September 3, 2014 by Earthjustice (on behalf of clients North Carolina Environmental Justice Network, Rural Empowerment Association for Community Health and Waterkeeper Alliance). The Complaint is against NC DENR, and relates to DENR's permitting of swine facilities under the state general permit. Given that NC DENR is within EPA Region 4's ambit, and your role as the civil rights contact for the region, we provided you an email copy of the Complaint on the 3<sup>rd</sup>.

On September 5, I sent you an email to recall Volume 1 of the exhibits supporting the Title VI Complaint (Exhibits 1-26), and to provide a revised version of Volume 1 of those exhibits. The September 3<sup>rd</sup> version of Volume 1 of the exhibits inadvertently included a map as an attachment to Exhibit 5, the Declaration of Anonymous. The revised Volume 1 of the exhibits removes the included map. I asked that you destroy the inadvertently included map, and to confirm its destruction via email.

I also followed up with a voicemail. However, I have yet to receive confirmation from your office that the inadvertently included map has been destroyed. I was hoping to touch base with you regarding the status of our request to destroy the sensitive, personal information.

Thanks very much for your prompt attention to this matter.

Sincerely,  
Alok Disa

---

Alok Disa  
Litigation Assistant  
Earthjustice Northeast Office  
48 Wall Street, 19th Floor  
New York, NY 10005  
T: 212-845-7386 (direct)  
F: 212-918-1556  
[earthjustice.org](http://earthjustice.org)



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Message

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**Sent:** 9/30/2014 8:46:58 PM  
**To:** Alok Disa [adisa@earthjustice.org]  
**CC:** Rhonda Bailey [Bailey.Rhonda@epa.gov]  
**Subject:** RE: Urgent request - please confirm destruction of sensitive document

I am referring this email to Rhonda Bailey who is Acting in the Office of Civil Rights.

Naima Halim-Chestnut, MAOM  
Human Resources Officer, Acting  
Human Capital Management Branch  
U.S. Environmental Protection Agency, Region 4  
61 Forsyth Street SW  
Atlanta, GA 30303  
Office: 404-562-9220

**Ex. 6 - Personal Privacy**

Email: [halim-chestnut.naima@epa.gov](mailto:halim-chestnut.naima@epa.gov)

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**From:** Alok Disa [mailto:[adisa@earthjustice.org](mailto:adisa@earthjustice.org)]  
**Sent:** Tuesday, September 30, 2014 1:01 PM  
**To:** HALIM-CHESTNUT, NAIMA  
**Subject:** Urgent request - please confirm destruction of sensitive document  
**Importance:** High

Dear Ms. Halim-Chestnut,

I'm writing to follow up on my previous attempts to recall a document that was inadvertently included as an exhibit to a Title VI Complaint filed with EPA on September 3, 2014 by Earthjustice (on behalf of clients North Carolina Environmental Justice Network, Rural Empowerment Association for Community Health and Waterkeeper Alliance). The Complaint is against NC DENR, and relates to DENR's permitting of swine facilities under the state general permit. Given that NC DENR is within EPA Region 4's ambit, and your role as the civil rights contact for the region, we provided you an email copy of the Complaint on the 3<sup>rd</sup>.

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Sincerely,  
Alok Disa



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Litigation Assistant  
Earthjustice Northeast Office  
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delete the message and any attachments.*

**To:** Lapierre, Kenneth[Lapierre.Kenneth@epa.gov]  
**From:** HALIM-CHESTNUT, NAIMA  
**Sent:** Thur 10/23/2014 8:14:52 PM  
**Subject:** Re: IMPORTANT: Request to Destroy Volume 1

The email came directly to me from EarthJustice then they sent a recall message. I don't think I forwarded it but I may have. Did you check my name along with the name of Alok Disa?

Naima Halim-Chestnut, MAOM  
Acting Human Resources Officer  
US EPA Region 4  
Atlanta, GA  
Phone: 404-562-9220

On Oct 23, 2014, at 4:10 PM, "Lapierre, Kenneth" <[Lapierre.Kenneth@epa.gov](mailto:Lapierre.Kenneth@epa.gov)> wrote:

Naima,

I looked at the 9/3/2014 email and didn't have all of the attachments. Am I missing something?

Thanks--Ken

Kenneth R. Lapierre  
Assistant Regional Administrator  
U.S. EPA Region 4  
(404) 562-8570

<image002.png>

National Disability Rights Heritage Month: "Expect, Employ, Empower: People with Disabilities"

**From:** Wooden-Aguilar, Helena  
**Sent:** Friday, October 17, 2014 4:28 PM  
**To:** Lapierre, Kenneth; McTeerToney, Heather; HALIM-CHESTNUT, NAIMA  
**Cc:** Wooden-Aguilar, Helena; Golightly-Howell, Velveta  
**Subject:** IMPORTANT: Request to Destroy Volume 1  
**Importance:** High

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Given the seriousness of this inadvertent inclusion, we will need to confirm that everyone who received Volume 1 had properly disposed the documents. Thus, please be sure to send us this confirmation and thank you for your immediate attention to this matter.

Best,

Helena Wooden-Aguilar

**From:** Alok Disa [<mailto:adisa@earthjustice.org>]

**Sent:** Friday, September 05, 2014 12:34 PM

**To:** McCarthy, Gina; Title VI Complaints

**Cc:** Jocelyn D'Ambrosio; Marianne Engelman Lado **Ex. 6 - Personal Privacy**

**Ex. 6 - Personal Privacy**

Wooden-Aguilar, Helena; Tejada, Matthew; HALIM-CHESTNUT, NAIMA; 'Daria.Neal@usdoj.gov'; 'tom.reeder@ncdenr.gov'; 'christine.lawson@ncdenr.gov'

**Subject:** RECALL: Exhibits to 09 03 14 DENR Complaint: Exhibits 1 - 26

**Importance:** High

Dear Administrator McCarthy, Ms. Golightly-Howell, Ms. Wooden-Aguilar, Mr. Tejada, Ms. McTeer Toney, Ms. Halim-Chestnut, Ms. Neal, Mr. Reeder, and Ms. Lawson:

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For Administrator McCarthy and Ms. GoLightly-Howell, who received hard copies of

Exhibit 1, please destroy the map that accompanied Exhibit 5 and confirm its destruction by replying to this email.

Thank you,

Alok Disa, on behalf of Marianne Engelman Lado and Jocelyn D'Ambrosio

**From:** Alok Disa

**Sent:** Wednesday, September 03, 2014 7:51 PM

**To:** 'McCarthy.gina@Epa.gov'; 'Title VI Complaints@epa.gov'

**Cc:** Jocelyn D'Ambrosio; Marianne Engelman Lado;

**Ex. 6 - Personal Privacy**

## **Ex. 6 - Personal Privacy**

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Alok Disa

Litigation Assistant

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<image001.gif>

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**To:** Bailey, Rhonda[Bailey.Rhonda@epa.gov]  
**From:** HALIM-CHESTNUT, NAIMA  
**Sent:** Fri 10/17/2014 8:59:17 PM  
**Subject:** Re: IMPORTANT: Request to Destroy Volume 1

Have a good weekend.

Naima Halim-Chestnut, MAOM  
Acting Human Resources Officer  
US EPA Region 4  
Atlanta, GA  
Phone: 404-562-9220

On Oct 17, 2014, at 4:55 PM, "Bailey, Rhonda" <Bailey.Rhonda@epa.gov> wrote:

Agree.

**From:** HALIM-CHESTNUT, NAIMA  
**Sent:** Friday, October 17, 2014 4:54 PM  
**To:** Bailey, Rhonda  
**Subject:** Re: IMPORTANT: Request to Destroy Volume 1

It was email. Not sure if Lisa received. We may want to send the message to her just in case. Otherwise this is an FYI since you and I had discussed.

Naima Halim-Chestnut, MAOM  
Acting Human Resources Officer  
US EPA Region 4  
Atlanta, GA  
Phone: 404-562-9220

On Oct 17, 2014, at 4:52 PM, "Bailey, Rhonda" <Bailey.Rhonda@epa.gov> wrote:

Thank you; however, I do not recall receiving vol. 1 exhibits. If Lisa was in receipt, I will ensure it is destroyed. If you received it, where is it located? Thanks.

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**To:** Bailey, Rhonda  
**Subject:** Fwd: IMPORTANT: Request to Destroy Volume 1

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US EPA Region 4

Atlanta, GA

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**To:** "Lapierre, Kenneth" <[Lapierre.Kenneth@epa.gov](mailto:Lapierre.Kenneth@epa.gov)>, "McTeerToney, Heather" <[McTeerToney.Heather@epa.gov](mailto:McTeerToney.Heather@epa.gov)>, "HALIM-CHESTNUT, NAIMA" <[Halim-Chestnut.Naima@epa.gov](mailto:Halim-Chestnut.Naima@epa.gov)>  
**Cc:** "Wooden-Aguilar, Helena" <[Wooden-Aguilar.Helena@epa.gov](mailto:Wooden-Aguilar.Helena@epa.gov)>, "Golightly-Howell, Velveta" <[Golightly-Howell.Velveta@epa.gov](mailto:Golightly-Howell.Velveta@epa.gov)>  
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Helena Wooden-Aguilar

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**Cc:** Jocelyn D'Ambrosio; Marianne Engelman Ladd; **Ex. 6 - Personal Privacy**

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Wooden-Aguilar, Helena;

Tejada, Matthew; HALIM-CHESTNUT, NAIMA; '[Daria.Neal@usdoj.gov](mailto:Daria.Neal@usdoj.gov)';

'[tom.reeder@ncdenr.gov](mailto:tom.reeder@ncdenr.gov)'; '[christine.lawson@ncdenr.gov](mailto:christine.lawson@ncdenr.gov)'

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**To:** 'McCarthy.gina@Epa.gov'; 'Title VI Complaints@epa.gov'

**Cc:** Jocelyn D'Ambrosio; Marianne Engelman Lado; **Ex. 6 - Personal Privacy**

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Daria.Neal@usdoj.gov';

tom.reeder@ncdenr.gov'; christine.lawson@ncdenr.gov

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Alok Disa, on behalf of Marianne Engelman Lado and Jocelyn D'Ambrosio

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Alok Disa

Litigation Assistant

Earthjustice Northeast Office

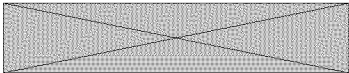
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Message

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**From:** Temple, Kurt [Temple.Kurt@epa.gov]  
**Sent:** 12/13/2016 7:47:39 PM  
**To:** Isales, Daniel [Isales.Daniel@epa.gov]  
**Subject:** Fwd: new draft of REACH letter  
**Attachments:** draft Dec 2016 letter to NC DEQ 2016.12.13 dli mmo ktt.docx; ATT00001.htm

Dan: Sorry. Forgot to include you in case you are working on it with Mary. Kurt

Sent from my iPhone

Begin forwarded message:

**From:** "Temple, Kurt" <Temple.Kurt@epa.gov>  
**Date:** December 13, 2016 at 1:23:31 PM EST  
**To:** "O'Lone, Mary" <OLone.Mary@epa.gov>  
**Cc:** "Dorka, Lilian" <Dorka.Lilian@epa.gov>  
**Subject:** Re: new draft of REACH letter

Mary: I provided some comments on the last version of the letter that I have. See attached and my earlier email to you today. My comments include some oral comments that Lilian relayed to me this morning.

Kurt

---

**From:** Temple, Kurt  
**Sent:** Tuesday, December 13, 2016 11:38:01 AM  
**To:** O'Lone, Mary  
**Subject:** Re: new draft of REACH letter

Mary: Is the latest version of the REACH letter the one that is attached to this chain? I just spoke to Lilian. She is on the road and gave me a few comments. She will likely not be able to look at it today. She will look at it whatever the latest is when she gets back. So that being said, I want to review your latest, provide any comments that I have, so that you can then share forward. Lilian also mentioned getting a draft to Ken by Thursday.

Thanks, Kurt

---

**From:** O'Lone, Mary  
**Sent:** Monday, December 12, 2016 7:53:18 AM  
**To:** Dorka, Lilian; Isales, Daniel  
**Cc:** Rhodes, Julia; Temple, Kurt; Covington, Jeryl; Farrell, Ericka  
**Subject:** RE: new draft of REACH letter

Will look at letter with your comments in mind.

## Ex. 5 - Deliberative Process/Atty Client

## Ex. 5 - Deliberative Process/Atty Client

Mary O'Lone  
Civil Rights and Finance Law Office  
Office of General Counsel  
US EPA  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460  
(202) 564-4992

---

**From:** Dorka, Lilian  
**Sent:** Sunday, December 11, 2016 9:39 PM  
**To:** O'Lone, Mary <OLone.Mary@epa.gov>; Isales, Daniel <Isales.Daniel@epa.gov>  
**Cc:** Rhodes, Julia <Rhodes.Julia@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>; Covington, Jeryl <Covington.Jeryl@epa.gov>; Farrell, Ericka <Farrell.Ericka@epa.gov>  
**Subject:** Re: new draft of REACH letter

Hi folks I didn't get to finish reviewing the letter on Friday and unfortunately I left my mark up at home by mistake. I am now in Atlanta and unable to open the draft from the hotel computer. I will try and finish reading it on my phone but not easy. All this to say that I don't know if I will be able to send comments to you Mary by tomorrow.

Jeryl, Kurt ( and Ericka if she is back) can you share any comments you have with Mary tomorrow? Mary we also. Red to share it w Ken in region 4 once we are comfortable. I do still have the general comments about framing that I had on Friday- see below. Thx!

Thanks!

Sent from my iPhone

On Dec 9, 2016, at 9:50 AM, Dorka, Lilian <Dorka.Lilian@epa.gov> wrote:

I had started reviewing last version but will go ahead and review this version. I

## Ex. 5 - Deliberative Process

Re- reading now and after my 10 meeting and will send comments.

Lilian Sotolongo Dorka  
Acting Director, EPA, Office of Civil Rights  
202-564-9649  
WJC-N Room 2450

---

**From:** O'Lone, Mary  
**Sent:** Friday, December 09, 2016 9:06 AM  
**To:** Isales, Daniel <[Isales.Daniel@epa.gov](mailto:Isales.Daniel@epa.gov)>; Dorka, Lilian <[Dorka.Lilian@epa.gov](mailto:Dorka.Lilian@epa.gov)>  
**Cc:** Rhodes, Julia <[Rhodes.Julia@epa.gov](mailto:Rhodes.Julia@epa.gov)>  
**Subject:** Re: new draft of REACH letter

All-

I have addressed Dan's comments where I had something to add.  
I adopted his editorial changes.  
So please review this copy.  
Thanks, Mary

Mary O'Lone  
Civil Rights and Finance Law Office  
Office of General Counsel  
US EPA  
1200 Pennsylvania Ave., NW  
Washington, DC 20460  
(202) 564-4992

---

**From:** Isales, Daniel  
**Sent:** Friday, December 9, 2016 8:31:55 AM  
**To:** O'Lone, Mary; Dorka, Lilian  
**Cc:** Rhodes, Julia  
**Subject:** RE: new draft of REACH letter

Letter with some additional suggestions/thoughts attached. I would suggest that the letter also be circulated to Jeryl, Ericka and Kurt at this time, but Lilian that is obviously your call. Thanks, Dan

Daniel L. Isales (3RC60)  
United States Environmental Protection Agency, Region III  
Environmental Science Center  
701 Mapes Road  
Fort Meade, Maryland 20755-5350

(410) 305-3016  
[Isales.daniel@epa.gov](mailto:Isales.daniel@epa.gov)

---

**From:** O'Lone, Mary  
**Sent:** Thursday, December 08, 2016 10:47 PM  
**To:** Dorka, Lilian <[Dorka.Lilian@epa.gov](mailto:Dorka.Lilian@epa.gov)>; Isales, Daniel <[Isales.Daniel@epa.gov](mailto:Isales.Daniel@epa.gov)>  
**Cc:** Rhodes, Julia <[Rhodes.Julia@epa.gov](mailto:Rhodes.Julia@epa.gov)>  
**Subject:** new draft of REACH letter

Lilian & Dan-

Here is a new draft. I would like to get your comments by Monday morning so I can process them & get a draft out to my chain on Tuesday. I haven't circulated beyond you two (and now Julia). I don't know how you would like to incorporate the rest of the OCR team in the review. I leave that to you two.

## **Ex. 5 - Deliberative Process/ Atty Client**

I will continue to re-read the incoming letter to make sure that our letter addresses all the major points, but let me know if I missed something.

FYI, the NC administration changes January 7<sup>th</sup>.

Thanks, Mary

Mary O'Lone  
Civil Rights and Finance Law Office  
Office of General Counsel  
US EPA  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460  
(202) 564-4992

<draft Dec 2016 letter to NC DEQ 2016.12.08 dli.mmo.docx>

**To:** Isales, Daniel[Isales.Daniel@epa.gov]; Johnson, Johahna[Johnson.Johahna@epa.gov]  
**From:** O'Lone, Mary  
**Sent:** Thur 10/27/2016 2:04:16 PM  
**Subject:** REACH on site table  
Table on site sort of declarations & impacts 10.27.2016.docx

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992



Message

---

**From:** Marianne Engelman Lado [mengelmanlado@earthjustice.org]  
**Sent:** 11/11/2016 7:12:50 PM  
**To:** O'Lone, Mary [OLone.Mary@epa.gov]; Isales, Daniel [Isales.Daniel@epa.gov]  
**CC:** Haddix, Elizabeth McLaughlin (emclaugh@email.unc.edu) [emclaugh@email.unc.edu]; Alexis Andiman [aandiman@earthjustice.org]; Ducharme, Brent [ducharme@email.unc.edu]; Alok Disa [adisa@earthjustice.org]  
**Subject:** Draft Site Visit Schedule  
**Attachments:** OCR Interview Workplan OCR Version 11 11 16 w changes mel.docx

Dear Mary & Daniel,

Attached please find a working draft of the site visit schedule.

As you'll see, we are still working to confirm availabilities, so the time slots are still subject to change. I'll send another version over the weekend but know that you're eager to have an outline of the interviews.

This version largely reflects the content of our discussion yesterday. We've reserved a slot for one team to go on a site visit Ex. 6 - Personal Privacy on Monday to tour the area without holding interviews. That team should meet at REACH at 9 am. We'll confirm exact locations over the weekend, but the other two teams have locations for a first interview in Duplin at approximately 9 am as well. One of the lawyers (me, Elizabeth, Alexis and/or Brent) are planning to meet you at the initial interview each day and then be present at subsequent interviews as well.

We're still integrating other stopping points and tour locations, so please see this as a working draft.

Please let me know if you have any question, after 2:30 today, it's best to reach me by cell at Ex. 6 - Personal Privacy I'll also be intermittently checking my email.

I look forward to seeing you all on Monday.

Best,

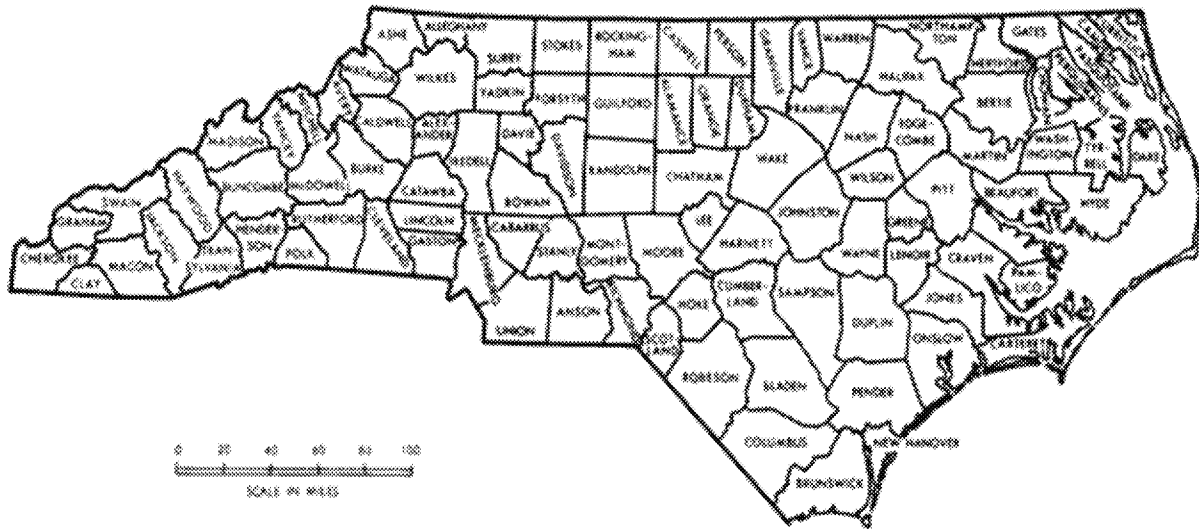
Marianne

Marianne Engelman Lado  
Senior Staff Attorney  
Earthjustice  
48 Wall Street, 19<sup>th</sup> Floor  
New York, NY 10005  
T: 212.845.7393  
F: 212.918.1556  
earthjustice.org

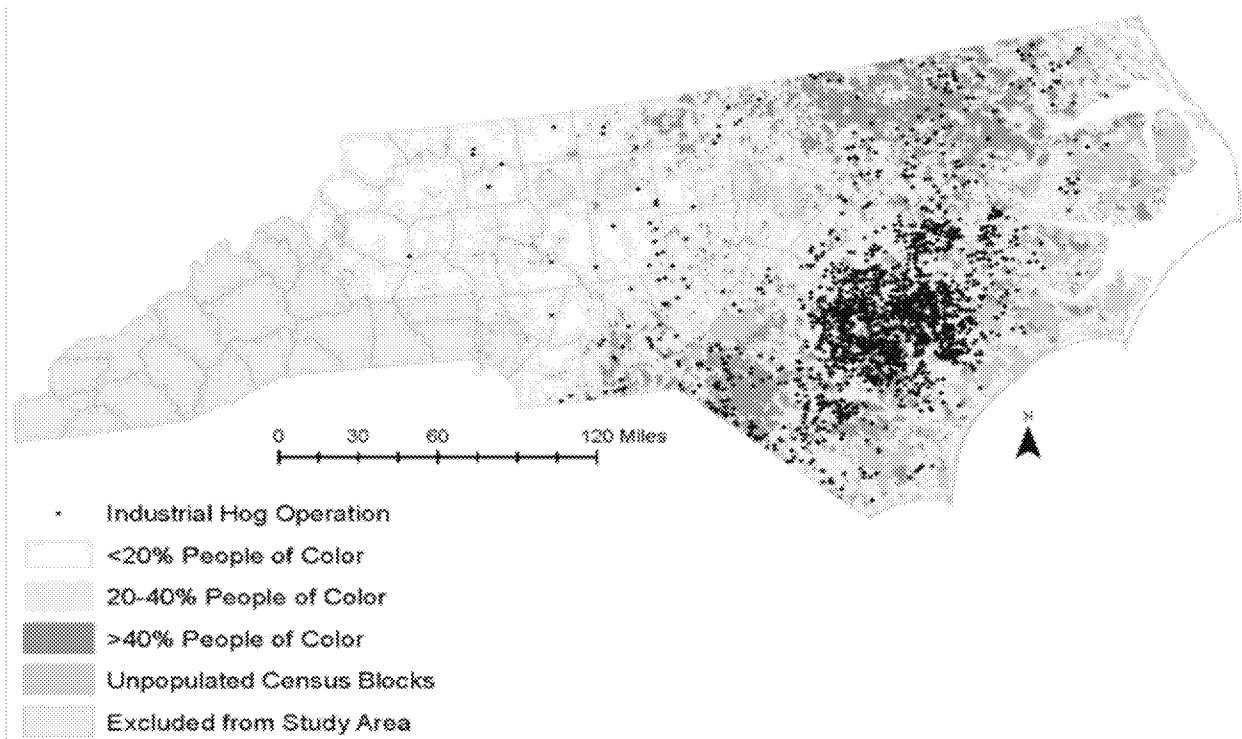


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North Carolina Counties



From REACH Complaint (p.39): Racial Composition of Census Blocks and the Locations of NC Industrial Swine Facilities Operating Under the General Permit, 2014



Message

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**From:** O'Lone, Mary [OLone.Mary@epa.gov]  
**Sent:** 8/22/2016 2:35:40 PM  
**To:** Isales, Daniel [Isales.Daniel@epa.gov]  
**Subject:** FW: Urgent need for OW contact for OCR Complaint 11R-14-R4 - CAFO Complaint

Mike came back with George Uttig. But I think the main contact is still Louis.

Mary O'Lone  
Civil Rights and Finance Law Office  
Office of General Counsel  
US EPA  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460  
(202) 564-4992

---

**From:** Shapiro, Mike  
**Sent:** Sunday, April 17, 2016 5:35 PM  
**To:** O'Lone, Mary <o'lonemary@epa.gov>  
**Cc:** Dorka, Lilian <Dorka.Lilian@epa.gov>; Golightly-Howell, Velveta <Golightly-Howell.Velveta@epa.gov>; simons.vickie@epa.gov; Temple, Kurt <Temple.Kurt@epa.gov>; Farrell, Ericka <Farrell.Ericka@epa.gov>  
**Subject:** Re: Urgent need for OW contact for OCR Complaint 11R-14-R4 - CAFO Complaint

Mary,

I'm checking with Louis' manager to see if there is someone who can fill in until he returns.

Mike

---

**From:** O'Lone, Mary  
**Sent:** Friday, April 15, 2016 4:46 PM  
**To:** Shapiro, Mike  
**Cc:** Dorka, Lilian; Golightly-Howell, Velveta; [simons.vickie@epa.gov](mailto:simons.vickie@epa.gov); Temple, Kurt; Farrell, Ericka  
**Subject:** Urgent need for OW contact for OCR Complaint 11R-14-R4 - CAFO Complaint

Mike-

I was going to email Louis who you'd given Velveta as the OW contact, but I see he is out of the office until next Thursday.

Ex. 6 - Personal Privacy

## Ex. 6 - Personal Privacy

While Dr. Wing's disproportionate impact study (I have attached it as FYI) is not focused on water issues per se, another recent study he authored (which I don't yet have a copy of) that is discussed in this article is. The article lays out some basic critiques of Dr. Wing's water study by the pork industry. <http://www.scientificamerican.com/article/pig-poop-fouls-north-carolina-streams/>

**Ex. 5 - Deliberative Process**

Thanks so

much, Mary

Mary O'Lone  
Civil Rights and Finance Law Office  
Office of General Counsel  
US EPA  
1200 Pennsylvania Ave., NW  
Washington, DC 20460  
(202) 564-4992

---

**From:** Shapiro, Mike

**Sent:** Sunday, March 13, 2016 9:32 PM

**To:** Golightly-Howell, Velveta; Shaw, Betsy; Starfield, Lawrence

**Cc:** Dorka, Lilian; Covington, Jeryl; Farrell, Ericka; Temple, Kurt; Packard, Elise; Rhodes, Julia; O'Lone, Mary; Harrell, Collette; Eby, Louis; Nagle, Deborah; Simons, Vicki

**Subject:** RE: EPA OCR Complaint 11R-14-R4 (ADR)

Velveta,

Louis Eby will serve as the OW POC for this case.

Mike

Michael Shapiro  
Deputy Assistant Administrator, Office of Water  
US EPA, 4101M  
1200 Pennsylvania Ave., NW  
Washington, DC 20460  
202-564-5700

---

**From:** Golightly-Howell, Velveta

**Sent:** Wednesday, March 09, 2016 11:58 AM

**To:** Shaw, Betsy <[Shaw.Betsy@epa.gov](mailto:Shaw.Betsy@epa.gov)>; Shapiro, Mike <[Shapiro.Mike@epa.gov](mailto:Shapiro.Mike@epa.gov)>; Starfield, Lawrence <[Starfield.Lawrence@epa.gov](mailto:Starfield.Lawrence@epa.gov)>

**Cc:** Dorka, Lilian <[Dorka.Lilian@epa.gov](mailto:Dorka.Lilian@epa.gov)>; Covington, Jeryl <[Covington.Jeryl@epa.gov](mailto:Covington.Jeryl@epa.gov)>; Farrell, Ericka <[Farrell.Ericka@epa.gov](mailto:Farrell.Ericka@epa.gov)>; Temple, Kurt <[Temple.Kurt@epa.gov](mailto:Temple.Kurt@epa.gov)>; Packard, Elise <[Packard.Elise@epa.gov](mailto:Packard.Elise@epa.gov)>; Rhodes, Julia <[Rhodes.Julia@epa.gov](mailto:Rhodes.Julia@epa.gov)>; O'Lone, Mary <[o'lone.mary@epa.gov](mailto:o'lone.mary@epa.gov)>; Harrell, Collette <[Harrell.Collette@epa.gov](mailto:Harrell.Collette@epa.gov)>

**Subject:** EPA OCR Complaint 11R-14-R4 (ADR)

Hello Betsy, Mike and Larry. I'm writing to let you know that Marianne Lado Engelman of Earthjustice, the lead representative for complainants, has contacted me regarding REACH. the Title VI discrimination complaint which alleges race and national origin discrimination related to swine feeding operations in North Carolina. Ms. Lado Engelman advised that the complainants have concluded that ADR is unproductive; they therefore request that OCR reinstate its investigation. In requesting recommencement of the investigation, Ms. Lado Engelman stated:

"Finally, we wanted to mention that our initial mediation session was interrupted by an effort by the National and North Carolina Pork Councils to interject themselves into the mediation process. Despite the terms of ADR, which included a requirement that mediation be confidential, and despite our clear opposition to their self-styled "motion to intervene" in the complaint and mediation process, five representatives from the Pork Council appeared without notice to Complainants at the first mediation session. Their presence and insistence at playing a role in mediation delayed the start of our session and acted as a form of intimidation of our clients. Representatives from DEQ failed to object to the

behavior. Indeed, quite the opposite, they tried to persuade Complainants to consent to bringing the Pork Councils into mediation. We thought it was relevant and important to bring these events to your attention.”

FYI, in response to the councils’ request to intervene in ADR, in or about January, I notified the requesters that the parties would have to agree to include them and that OCR does not participate in ADR. Ms. Lado Engelman was copied on the response.

As ADR has ended, OCR will relaunch its complaint investigation. Shortly after OCR began the investigation, you provided POCs for your office. We realize that they may have changed. Would you please provide the names of current POCs ASAP and by Friday, 3/18?

Thank you for your ongoing assistance!

Velveta

Velveta Golightly-Howell  
Director, Office of Civil Rights  
Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
Mail Code 1201A  
Washington, DC 20460  
202-564-6685

**To:** O'Lone, Mary[OLone.Mary@epa.gov]  
**Cc:** Isales, Daniel[Isales.Daniel@epa.gov]; Johnson, Johahna[Johnson.Johahna@epa.gov]; Wilson, Adam[wilson.adam@epa.gov]  
**From:** Moora, David  
**Sent:** Thur 12/8/2016 1:43:54 PM  
**Subject:** RE: REACH - NC CAFO Title VI case & ADR

Hi Mary,

I am generally available today anytime except 1-2 and am available tomorrow between 1-4:30.

Thanks,

Dave

Dave Moora

Attorney-Advisor

Conflict Prevention and Resolution Center  
U.S. Environmental Protection Agency  
"Making Agreement Easier" | (202) 564-8904 (O) (202) 875-0026 (M)  
<http://intranet.epa.gov/adr> or <http://www.epa.gov/adr>

**From:** O'Lone, Mary  
**Sent:** Thursday, December 08, 2016 8:38 AM  
**To:** Moora, David <moora.david@epa.gov>  
**Cc:** Isales, Daniel <Isales.Daniel@epa.gov>; Johnson, Johahna <Johnson.Johahna@epa.gov>; Wilson, Adam <wilson.adam@epa.gov>  
**Subject:** REACH - NC CAFO Title VI case & ADR

David-

I had a call yesterday with Marianne Engelman Lado of Earthjustice about the emails and back and forth with the mediator, etc.

**Deliberative/Atty Client**

## **Ex. 5 - Deliberative Process/Atty Client**

**Deliberative/Atty Client**

She had enough questions that I couldn't answer that I thought it might be a good idea for us to get on the phone with you & her. Would you be available to do a conference call in the next couple of days? Thanks, Mary

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

**To:** Moora, David[moora.david@epa.gov]  
**Cc:** Isales, Daniel[Isales.Daniel@epa.gov]; Johnson, Johahna[Johnson.Johahna@epa.gov]; Wilson, Adam[wilson.adam@epa.gov]  
**From:** O'Lone, Mary  
**Sent:** Thur 12/8/2016 1:37:35 PM  
**Subject:** REACH - NC CAFO Title VI case & ADR

David-

I had a call yesterday with Marianne Engelman Lado of Earthjustice about the emails and back and forth with the mediator. etc

**Ex. 5 - Deliberative Process/Atty Client**

**Ex. 5 - Deliberative Process/Atty Client**

**Ex. 5 - Deliberative Process/Atty Client**

She had enough questions that I couldn't answer that I thought it might be a good idea for us to get on the phone with you & her. Would you be available to do a conference call in the next couple of days? Thanks, Mary

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992



Message

---

**From:** Johnson, Johahna [Johnson.Johahna@epa.gov]  
**Sent:** 9/16/2016 7:14:52 PM  
**To:** Isales, Daniel [Isales.Daniel@epa.gov]  
**CC:** O'Lone, Mary [OLone.Mary@epa.gov]  
**Subject:** FW: Updated REACH - rough draft options for investigation & program activities  
**Attachments:** Briefing of GC approach options 9.15.2016.docx

FYI – still draft but wanted to share.

Johahna Johnson  
Civil Rights and Finance Law Office  
Office of General Counsel  
U.S. Environmental Protection Agency  
(202) 564-6119

---

**From:** O'Lone, Mary  
**Sent:** Thursday, September 15, 2016 4:08 PM  
**To:** Shenkman, Ethan <Shenkman.Ethan@epa.gov>  
**Cc:** Prabhu, Aditi <Prabhu.Aditi@epa.gov>; Rhodes, Julia <Rhodes.Julia@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>; Johnson, Johahna <Johnson.Johahna@epa.gov>; Wilson, Adam <wilson.adam@epa.gov>; Biffl, Betsy <Biffl.Betsy@epa.gov>  
**Subject:** Updated REACH - rough draft options for investigation & program activities

Ethan –

Since you said you were going to look at it, I wanted to get you an updated draft. I have made edits per your comments today & have found some more information. I am out tomorrow, but back in on Monday. Then at all day training on Tuesday & Wednesday.

Thanks, Mary

Mary O'Lone  
Civil Rights and Finance Law Office  
Office of General Counsel  
US EPA  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460  
(202) 564-4992

---

**From:** O'Lone, Mary  
**Sent:** Wednesday, September 14, 2016 5:42 PM  
**To:** Shenkman, Ethan <Shenkman.Ethan@epa.gov>  
**Cc:** Prabhu, Aditi <Prabhu.Aditi@epa.gov>; Julia Rhodes (Rhodes.Julia@epa.gov) <Rhodes.Julia@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>; Johahna Johnson (Johnson.Johahna@epa.gov) <Johnson.Johahna@epa.gov>; Adam Wilson (wilson.adam@epa.gov) <wilson.adam@epa.gov>; Biffl, Betsy <Biffl.Betsy@epa.gov>  
**Subject:** FYI for tomorrow mtg. REACH - rough draft options for investigation & program activities

Ethan –

I have been attempting to come up with a draft document to tee up the 3 issues that we need direction on to move forward in REACH:

## Ex. 5 - Deliberative Process/Atty Client

I was hoping we could talk about it (among other agenda items) tomorrow at our Title VI weekly & get your thoughts.  
Thanks, Mary

Mary O'Lone  
Civil Rights and Finance Law Office  
Office of General Counsel  
US EPA  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460  
(202) 564-4992

Message

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**From:** Kreisler, Eva [Kreisler.Eva@epa.gov]  
**Sent:** 9/13/2016 5:33:53 PM  
**To:** O'Lone, Mary [OLone.Mary@epa.gov]  
**CC:** Isales, Daniel [Isales.Daniel@epa.gov]  
**Subject:** RE: EPA OCR File No. 11R-14-R4

Mary,

## Ex. 5 - Deliberative Process/Atty Client

I am not sure what my next steps are on this and how to advise Larry.

Eva H. Kreisler, Senior Attorney  
International Compliance Assurance Division  
U.S. EPA (2254A)  
Office (202) 564-8186  
Fax (202) 564-0073  
[kreisler.eva@epa.gov](mailto:kreisler.eva@epa.gov)

Help EPA fight pollution by reporting environmental violations on EPA's website at  
<http://www.epa.gov/compliance/complaints/index.html>

OCR for

This email, including attachments, contains information that is confidential and it may be protected by the attorney-client or other privileges. This email, including attachments, contains information that is intended to be conveyed only to the designated recipient(s).

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**From:** O'Lone, Mary  
**Sent:** Thursday, September 08, 2016 3:04 PM  
**To:** Kreisler, Eva <Kreisler.Eva@epa.gov>  
**Cc:** Isales, Daniel <Isales.Daniel@epa.gov>  
**Subject:** FW: EPA OCR File No. 11R-14-R4

Eva-  
FYI. Today OCR received the attached email & documents in the NC CAFO Title VI complaint. I am flagging it for you b/c of the reference to the information on the Waterkeeper website regarding alleged continued spraying in advance of Hermine after the point in time when they were required to stop.

I had sent a note to Nancy Tommelleo (my R4 contact) last week when I saw the information on the Waterkeeper's site myself. I just sent Ms. Haddix's email & attachments to R4 water folks as well.  
Thanks, Mary

Mary O'Lone  
Civil Rights and Finance Law Office  
Office of General Counsel  
US EPA  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460  
(202) 564-4992

---

**From:** Haddix, Elizabeth McLaughlin [<mailto:emclaugh@email.unc.edu>]

**Sent:** Thursday, September 08, 2016 11:42 AM

**To:** Dorka, Lilian <[Dorka.Lilian@epa.gov](mailto:Dorka.Lilian@epa.gov)>

**Cc:** Covington, Jeryl <[Covington.Jeryl@epa.gov](mailto:Covington.Jeryl@epa.gov)>; Farrell, Ericka <[Farrell.Ericka@epa.gov](mailto:Farrell.Ericka@epa.gov)>; O'Lone, Mary <[OLone.Mary@epa.gov](mailto:OLone.Mary@epa.gov)>; Neal, Daria (CRT) <[Daria.Neal@usdoj.gov](mailto:Daria.Neal@usdoj.gov)>; Alexis Andiman <[aandiman@earthjustice.org](mailto:aandiman@earthjustice.org)>; Marianne Engelman Lado ([mengelmanlado@earthjustice.org](mailto:mengelmanlado@earthjustice.org)) <[mengelmanlado@earthjustice.org](mailto:mengelmanlado@earthjustice.org)>; Ducharme, Brent <[ducharme@email.unc.edu](mailto:ducharme@email.unc.edu)>; Dorosin, Mark <[dorosin@email.unc.edu](mailto:dorosin@email.unc.edu)>; [ferrell.erika@epa.gov](mailto:ferrell.erika@epa.gov); Isales, Daniel <[Isales.Daniel@epa.gov](mailto:Isales.Daniel@epa.gov)>; Temple, Kurt <[Temple.Kurt@epa.gov](mailto:Temple.Kurt@epa.gov)>

**Subject:** RE: EPA OCR File No. 11R-14-R4

Dear Ms. Dorka,

Attached please find another supplement to OCR File No. 11R-14-R4, the declaration of William "Tom" Butler of Butler Farms. Mr. Butler is a contract grower under the general permit challenged by the Complaint.

The attached also brings to EPA's attention the recent apparent permit violations last week during Hurricane Hermine.

Please feel free to contact us any time to discuss the attached. And thank you again for your efforts in securing a time to meet with our clients on October 5.

Best regards,

Elizabeth

Elizabeth Haddix  
Senior Staff Attorney  
UNC Center for Civil Rights  
323 West Barbee Chapel Rd.  
Chapel Hill, NC 27517  
Tel. 919.445.0176  
Fax 919.843.6748

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Message

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**From:** O'Lone, Mary [OLone.Mary@epa.gov]  
**Sent:** 12/3/2016 2:49:01 AM  
**To:** Isales, Daniel [Isales.Daniel@epa.gov]; Wilson, Adam [wilson.adam@epa.gov]; Johnson, Johahna [Johnson.Johahna@epa.gov]  
**Subject:** REACH - report that has great overview of statutory, reg, & other programs  
**Attachments:** 2013 UNC report OpportunitiesAndImpactsOfHogWasteInEasternNC.pdf

D, A, & J-

This is a 2013 UNC report that has a good short summary of the statutory & regulatory landscape. You don't need to read the whole thing. Skim over the employment info. Wish I'd have found it & read it before we went down there.  
M

Mary O'Lone  
Civil Rights and Finance Law Office  
Office of General Counsel  
US EPA  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460  
(202) 564-4992

**To:** O'Lone, Mary[OLone.Mary@epa.gov]  
**Cc:** Isales, Daniel[Isales.Daniel@epa.gov]  
**From:** Gelman, Laurie (CRT)  
**Sent:** Wed 8/17/2016 12:05:22 PM  
**Subject:** RE: Checking in

Great news about Dan! Dan, I looked forward to working with you again!!

I would love to hear more about the mediation, REACH, and the retaliation response. I knew you received the complaint but hadn't heard about the response yet.

## Ex. 5 - Deliberative Process/Atty Client

**From:** O'Lone, Mary [mailto:OLone.Mary@epa.gov]  
**Sent:** Wednesday, August 17, 2016 7:59 AM  
**To:** Gelman, Laurie (CRT)  
**Cc:** Isales, Daniel  
**Subject:** RE: Checking in

Ex. 6 - Personal Privacy

Ex. 5 - Deliberative Process

Marianne out in SF.

Yes there are some things to report. We are gearing up to start in earnest again & I was going to circle back with you & Alyssa this week.

I was able to rope Dan Isales back in to Title VI (Yeah!). He is going to be the co-Case Manager with Ericka on this. He is only working on it about 20% of his time. So I think he & I will tag team as we have in the past.

Did I send you the retaliation claim that Earthjustice filed in July? We accepted it not too long ago & NC DEQ sent in a response.

We also need to circle back with Frances on her review of the disparate impact analysis.

Let's set up some time to chat with Dan. Is Alyssa around this week?

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

**From:** Gelman, Laurie (CRT) [<mailto:Laurie.Gelman@usdoj.gov>]

**Sent:** Tuesday, August 16, 2016 11:52 AM

**To:** O'Lone, Mary <[OLone.Mary@epa.gov](mailto:OLone.Mary@epa.gov)>

**Subject:** Checking in

Hi Mary, how was your trip? I hope you had a great time! I'm just checking in because I'm curious if there are any updates on REACH. Thanks! L.

**To:** Kupchan, Simma[Kupchan.Simma@epa.gov]  
**Cc:** Isales, Daniel[Isales.Daniel@epa.gov]; Johnson, Johahna[Johnson.Johahna@epa.gov]  
**From:** O'Lone, Mary  
**Sent:** Mon 8/8/2016 3:50:02 PM  
**Subject:** REACH- Do you know what early application for Bermuda means?  
NC DEQ Early land application Bermuda Window-Feb 2016.pdf

Simma-

NC DEQ issued an order in Feb. 2016 (attached) that allowed this Bermuda thing.

Is it an NPDES term of art or something specific to NC (as in Bermuda is off the coast of NC & maybe it has something to do with weather or other things coming from the Bermuda Triangle)?

Thought I'd ask you before asking R4. Thanks, Mary

Due to the chronic heavy rainfall events in North Carolina, many agricultural operations are at or near their freeboard limits. Many agricultural operations have application limits on their winter overseed crops due to

By and through this memo, the Division of Water Resources is authorizing the use of Bermuda to begin today for all North Carolina counties

Mary O'Lone

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